

REMARKS

In Office action mailed on May 6, 2003, the Examiner objected to the specification as not containing an Abstract of the disclosure. By this amendment, the Applicant submits an Abstract.

The Examiner rejected claims 1-4, 10, 12-17, 23, 25 and 26 under 35 U.S.C.102 and under 35 U.S.C. 103(a) over Scott (USPN 4,765,367).

The Examiner stated that claims 5-9, 11, 18-22 and 24 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims. However, since the Applicant traverses the rejection of the independent claims 1 and 14, no new or amended claims were submitted.

Applicant appreciates the time and consideration provided by Examiner in reviewing this application, however, respectfully traverses the rejection of the claims at least for the following reasons.

Rejection under 35 U.S.C.102

Anticipation under 35 U.S.C. 102 requires that each and every claimed feature be disclosed by a single prior art reference. Therefore, the prior art reference relied upon by the Examiner in rejecting claims 1-4, 10, 12-17, 23, 25 and 26 must disclose articles that are reasonably identical to and include at least every material element of the claimed movable barrier operator and method for moving the operator. Applicant respectfully submit that Scott does not disclose, let alone suggest, each and every claimed feature of the rejected claims.

One feature of the apparatus of the present invention is that according to claims 1 and 14 the gas inlet and the outlet of the extraction unit are communicating with one another via the internal space of the container, that is, the gas passes into the container through the inlet increasing the pressure in the container and through the extraction unit outlet and into the tire. The increase in pressure in the container may be used to force sealant out of the container through the outlet. Another important feature is that the extraction unit is provided with a standing surface being disposed remote from the container, so that the container may be turned upside down, as shown in FIG. 1, or stay on its own base, as described on page 11, lines 11-14, depending on the quantity of the sealant in the container.

With these features, the apparatus of the present application can advantageously be used as follows. When in use, the gas inlet of the extraction unit is connected to the gas pressure source and the outlet of the extraction unit is coupled to, for example, a vehicle tire, the gas flows through the extraction unit into the container connected to the extraction unit and further through the sealant within the container until the gas reaches the region above the sealant level 40 shown in FIG. 1. As a result, the pressure within the container space above the sealant level 40 increases whereby the sealant is pressed into the extraction unit and through the outlet thereof into the tire in order to seal the damaged tire.

After the sealant level 40 has fallen below the free ends of the inflow passage 50 and the extraction passage 52 (see FIG. 1), the gas no longer traverses the sealant but flows directly via the extraction passage 52 through the outlet of the extraction unit and into the tire, whereby the tire, which has previously been sealed by the sealant, is inflated. Thus, the only thing which the user has to do is to put the extraction unit with its standing surface onto the ground and to switch on the gas pressure source, for example, a compressor. Then automatically the sealant is pressed into the tire and afterwards the tire is inflated without the need for any manipulations at the extraction unit or the container during operation.

In contrast, Scott describes a valve assembly, which has to be switched from one operating mode into another operating mode during operation. In a first position shown in FIG. 1 the tire can be inflated by means of the compressor 16. The gas flows via the channel 27 directly into the channel 24 and thus *bypasses* the sealant container 20. By pressing down the valve cap 30 which results in the position shown in FIG. 2, the pressurized gas of the compressor escapes via a groove 42 into the surroundings, while due to the pressed down valve stem 40 of the container 20 the pressurized sealant flows via the channel 24 into the tire. Thus, the sealant container 20 works like an ordinary spray can, which is actuated by pressing down the valve cap 30 (see Col. 3, lines 28 and 29). Scott does not describe or suggest an apparatus using gas flowing from the compressor 16 through the inlet into the container 20, increasing the pressure in the container inter space, and then out of the container through the outlet, nor does he suggest that the apparatus is provided with a support stand positioned remote from the container. To the contrary, the container 20 does not have any support other than its own base, and pressing down, or activating the valve cap 30 does not result in a connection between the channels 22 and 24 via the internal space of the container 20.

Therefore, an apparatus for sealing of inflatable articles with an extraction unit and sealant container having such a configuration that a gas inlet and an outlet of the extraction unit communicate with one another via the container internal space, and wherein the extraction unit has

a standing surface being disposed remote from the container, as claimed in the present application, is clearly distinguishable from the cited reference.

Accordingly, Applicant respectfully submits that the independent claims 1 and 14, are novel and allowable over the cited prior art, and therefore the dependent claims should be considered to be allowable.

Rejection under 35 U. S. C. 103(a)

According to MPEP 706.02(j):

“To establish a *prima facie* case of obviousness... the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant’s disclosure.”

It is noticed that the examiner based the 35 U.S.C. 103 (a) rejection on the same USPN 4,765,367 to Scott .

The present application discloses an apparatus for sealing of inflatable articles with an extraction unit having a configuration in which a gas inlet and an outlet are linked with one another via internal space of the container. The gas from the inlet flowing through the container increases the pressure within the container and above the sealant level 40, and pushes the sealant into the extraction unit and through the outlet into the tire. In contrast, Scott discloses a valve assembly where gas flows via the channel 27 directly into the channel 24 and thus bypasses the sealant container 20. Scott does not expressly or impliedly suggest the claimed invention, and there is no reasoning why a person knowledgeable in the art would found the claimed invention to have been obvious in light of Scott.

Therefore, it is respectfully submitted that the claims 2 and 15 are not obvious, and, accordingly, that the application complies with 35 U.S.C 103.

DEPENDENT CLAIMS

It is submitted that all of the dependent claims are novel and inventive as based on an allowable independent claims. Applicant respectfully submits that the pending claims as originally filed are allowable over the prior art and the application is in condition for allowance, which allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

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